REMARKS

By the present amendment, Applicants cancel claims 9 and 13 without prejudice or disclaimer of the subject matter therein. Claims 1-8, 10-12, and 14 have been amended to more appropriately describe the present invention. Claims 1-8, 10-12, and 14 are currently pending in the application.

In the Office Action dated December 2, 2002, the Examiner rejected claims 1-14 as being anticipated by U.S. Patent No. 5,627,335 to Rigopulos et al. ("Rigopulos").

Applicants respectfully traverse the §102(e) rejection of pending claims 1-8, 10-12, and 14 because the Examiner failed to establish a *prima facie* case of anticipation under §102(b). In order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102(b), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. §2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131 (8th ed. 2001), p. 2100-69.

Regarding claim 1, Rigopulos discloses a real-time computer based music generation system which allows a user to create music without knowledge of music theory and without the ability to play an instrument or keep time (col. 2, lines 26-30). The system generates music in real-time in response to a user manipulation of one or more simple controllers/input devices, such as a joystick (col. 5, lines 18-21; Fig. 1). Various movements of the joystick about its base axes control rhythmic activity and pitch (col. 7, lines 9-48; Fig. 3B). To create a music composition, the user selects a

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stored background track as an accompaniment (col. 8, lines 45-48), and a instrument from a list of possible instruments (col. 9, lines 1-3). Rigopulos further discloses a rhythm generator which permits the user to produce musically correct rhythms without requiring the user to have the physical dexterity needed to play the rhythms or a traditional instrument (col. 14, lines 16-21). The rhythm generator selects a rhythm block from a pre-selected group as a base to generate a block of music; the rhythm block contains instructions associated with the dynamics of how a note is played by a note builder (col. 14, lines 36-44). If the rhythmic activity is so high that it is difficult for a user to manipulate the input device, the rhythm generator is disabled and a riffer automatically outputs pre-stored melodic elaborations (col. 14, lines 46-53).

Conversely, Rigopulos fails to disclose a combination of elements, including at least a "detecting an event in the game processing, wherein the event is associated with a sound" and "delaying the sound to synchronize the sound with background music," (emphasis added) as recited in claim 1.

Accordingly, Applicants respectfully request the Examiner to withdraw the §102(b) rejection of claim 1. Claim 2 depends from claim 1 and is allowable for at least the reasons provided for allowable claim 1. Claims 3 and 5 recite recitations similar to claim 1 and are allowable for at least the reasons provided for the allowability of claim 1. Claim 4 depends from claim 3 and is allowable for at least the reasons provided for allowable claim 3.

Regarding claim 6, Rigopulos fails to disclose a combination of elements, including at least a "detecting an event in the game processing, wherein the event is

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associated with a melody" and "delaying the melody to synchronize the melody with a progression of an accompaniment," (emphasis added) as required by claim 6.

Accordingly, Applicants respectfully request the Examiner to withdraw the §102(b) rejection of claim 6. Claims 7 and 8 depend from claim 6 and is allowable for at least the reasons provided for allowable claim 6. Claims 10 and 14 recite recitations similar to claim 6 and are allowable for at least the reasons provided for the allowability of claim 6. Claims 11 and 12 depend from claim 10 and are allowable for at least the reasons provided for allowable claim 10.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: April 2, 2003

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APPENDIX

Provided below is an Appendix which indicates changes made to the claims. Deletions of text are shown in ~~strikeout text~~ and additions are shown in underline text.

1. (Amended) A computer program product having a computer readable storage medium for storing a program, wherein the program executes a method for generating an audio ~~signal stored on a computer readable storage medium,~~ signal, comprising:

~~wherein the computer program performs the steps of:~~

~~detecting a sound producing factor which is a cause of sound generation; and~~

~~deciding on a starting timing for producing a sound which corresponds to the sound producing factor, on the basis of the progress of music which is being reproduced at the time of generation of the sound producing factor.~~ performing game processing in accordance with player input;

detecting an event in the game processing, wherein the event is associated with a sound;

delaying the sound to synchronize the sound with background music; and

generating the sound associated with the event.

2. (Amended) AThe computer program product~~having a computer program for generating an audio signal stored on a computer readable storage medium, wherein the computer program performs the steps of:~~

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~~detecting an operational signal output from a controller operated by a player as a sound producing factor which is a cause of sound effect generation for the processing of a game; and~~

~~deciding on a starting timing for producing a sound, which corresponds to the sound producing factor on the basis of the progress of music which is being reproduced at the time of generation of the sound producing factor.~~ according to claim 1, wherein the sound is a sound effect generated within the game processing.

3. (Amended) A method for outputting ~~audio signal comprising the steps of:~~an audio signal, comprising:

detecting ~~a sound producing factor which is a cause of sound generation; and~~

~~deciding on a starting timing for producing a sound, which corresponds to the sound producing factor, on the basis of the progress of music which is being reproduced at the time of generation of the sound producing factor.~~

an event during game processing, wherein the event is associated with a sound;

delaying the sound to synchronize the sound with background music; and

generating the sound associated with the event.

4. (Amended) ~~A~~The method for outputting ~~audio signal comprising the steps of:~~the audio signal according to claim 3, wherein the sound is a sound effect generated within the game processing.

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~~detecting an operational signal output from a controller operated by a player as a sound producing factor which is a cause of sound effect generation for the processing of a game; and~~

~~deciding on a starting timing for producing a sound, which corresponds to the sound producing factor, on the basis of the progress of music which is being reproduced at the time of generation of the sound producing factor.~~

5. (Amended) ~~An audio signal outputting device comprising:~~

~~detecting means for detecting a sound producing factor which is a cause of sound generation; and~~

~~sound producing starting timing adjuster for deciding on a starting timing for producing a sound, which corresponds to the sound producing factor, on the basis of the progress of music which is being reproduced at the time of generation of the sound producing factor.~~ A game device, comprising:

means for performing game processing in accordance with player input;

means for detecting an event in the game processing, wherein the event is associated with a sound;

means for delaying the sound to synchronize the sound with background music; and

means for generating the sound associated with the event.

6. (Amended) A computer program product having a computer ~~program for generating background music stored on a computer readable storage medium,~~readable

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storage medium for storing a program, wherein the program executes a method for generating an audio signal, comprising:

~~wherein the computer program performs the steps of:~~

~~generating an accompaniment which corresponds~~ to the status of a game; and

~~generating a melody by detecting a sound producing factor which is a cause of melody generation and by deciding on a starting timing for producing the melody which corresponds to the sound producing factor on the basis of the progress of the accompaniment at the time of generation of the sound producing factor.~~performing game processing in accordance with player input;

generating an accompaniment corresponding to the status of a game;

detecting an event in the game processing, wherein the event is associated with a melody;

delaying the melody to synchronize the melody with a progression of an accompaniment; and

generating the melody associated with the event.

7. (Amended) ~~A~~The computer program product according to claim 6, wherein the progression of the accompaniment includes information ~~about a melody producing timing~~on timing of the generation of the melody which is predetermined for every accompaniment.

8. (Amended) ~~A~~The computer program product according to claim 6, wherein the computer program further includes ~~the step of deciding on a scale of the~~

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~~melody corresponding to the type of the sound producing factor.~~deciding a scale in the melody that corresponds to a type of event.

10. (Amended) A method for ~~generating background music comprising the steps of:~~outputting a sound signal, comprising:

~~generating an accompaniment which corresponds to the status of a game; and~~

~~generating a melody by detecting a sound producing factor which is a cause of melody generation and by deciding on a starting timing for producing the melody which corresponds to the sound producing factor on the basis of the progress of the accompaniment at the time of generation of the sound producing factor.~~performing game processing in accordance with player input;

detecting an event in the game processing, wherein the event is associated with a melody;

delaying the melody to synchronize the melody with a progression of an accompaniment; and

generating the melody associated with the event.

11. (Amended) ~~A method~~The method for outputting a sound signal according to claim 10, wherein the progression of the accompaniment includes information ~~about a melody producing timing~~on timing of the generation of the melody which is predetermined for every accompaniment.

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12. (Amended) A method ~~according to claim 10, comprising the step of deciding on a scale of the melody corresponding to the type of the sound producing factor.~~ for outputting a sound signal according to claim 10, further comprising deciding a scale in the melody that corresponds to a type of event.

14. (Amended) A game device comprising:

~~accompaniment generating means for generating an accompaniment which corresponds to the status of a game;~~

~~detecting means for detecting a sound producing factor which is a cause of melody generation; and~~

~~melody generating means for generating a melody by deciding on a starting timing for producing the melody which corresponds to the sound producing factor on the basis of the progress of the accompaniment at the time of generation of the sound producing factor.~~

means for performing game processing in accordance with player input;

means for detecting an event in the game processing, wherein the event is associated with a melody;

means for delaying the melody to synchronize the melody with a progression of an accompaniment; and

means for generating the melody associated with the event.

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